



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

August 24, 2005

SUBJECT: **2005-0723** – Application for a property located at **1222 Susan Way** (near S Bernardo Ave) in an R-0 (Low-Density Residential) Zoning District. (APN: 198-13-071)

Motion Variance on a 5,800 square-foot site from Sunnyvale Municipal Code section 19.34.030 to allow a five-foot side-yard setback on the right side of the property where seven feet is required.

REPORT IN BRIEF

Existing Site Conditions Existing two-story home

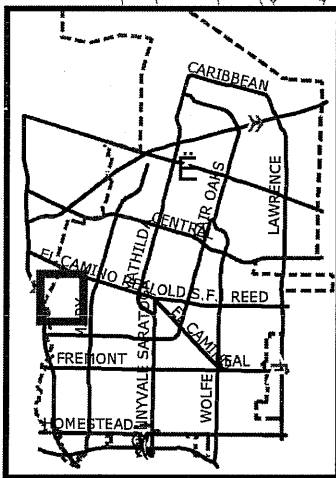
Surrounding Land Uses

| | |
|-------|---------------------------|
| North | Single Family Residential |
| South | Single Family Residential |
| East | Single Family Residential |
| West | Single Family Residential |

Issues Justifications for a variance

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



**1222 Susan Way
Variance**

0 265 530 1,060 Feet



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|------------------------------------------------|-------------------------|-----------------|--------------------------------|
| General Plan | Residential Low Density | Same | Residential Low Density |
| Zoning District | R-0 | Same | R-0 |
| Lot Size (s.f.) | 5,800 | Same | 6,000 min |
| Gross Floor Area (s.f.) | 2179.5 | 2570 | 45% max. |
| Lot Coverage (%) | 26% | 33.7% | 45% max. |
| Floor Area Ratio (FAR) | 37.5% | 44% | 45% max. without PC review |
| No. of Buildings On-Site | 1 | Same | 1 |
| Building Height (ft.) | 22'5" | Same | 30' max. |
| No. of Stories | 2 | Same | 2 max. |
| Setbacks (Facing Property) | | | |
| Front | 27'6" | Same | 20' min. |
| Left Side | 5' | Same | 5' |
| Right Side (where addition is proposed) | 24' | 5' | 7' (12' combined minimum) |
| Rear | 30' | Same | 20' |
| Parking | | | |
| Total Spaces | 4 | Same | 4 min. |
| Uncovered Spaces | 4 | 2 | 2 min. |
| Covered Spaces | 0 | 2 | 2 min. |



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The applicant is proposing interior alterations, enclose an existing porch at the front of the home, and add a new two-car garage all of which will add 390.5 square feet to the home. The garage is proposed at the front, extending to the street off the right side of the existing home. As a result of the proposed project the total building square footage will be 2,570 square feet. The scope of the project includes interior alterations that will alter the family room, remove a storage area, and add a new bathroom.

Background

Previous Actions on the Site: Previously the only other planning permit received at this site was for a tree removal (file number 1998-1132) that was approved on October 13, 1998. The house was originally constructed as one-story with a garage, then the garage was later converted to living space in 1988, a second floor added in 1992.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions includes minor alterations in land use limitations, including setback variances.

Variance

Sunnyvale Municipal Code (SMC) § 19.34.030 requires that there be a combined 12-foot side yard setback, where one side shall have a minimum of 4 feet. The existing home is legal non-conforming for setbacks because a portion of the home has a combined 10-foot side yard setback. The applicant is proposing to extend the building and continue the 10-foot combined side yard setback. The applicant is requesting a variance from the 7-foot minimum and combined 12-foot side yard setback for construction of the new garage.

Site Layout: The home is located in the middle of the lot and has an "L" shape. Currently, the home has five foot side yard setbacks on both sides, except at the front of the house, where the right setback is 24-feet. The proposed garage will meet the required 2 covered parking space requirement.

Many of the homes in the area have the same "L" shape, however, there are also homes that have a "U" shape which allows a 2-car garage, similar to what the applicant is proposing.

Two car garages must meet a minimum size standard of 400 square feet in size and a minimum interior dimension of 17-feet in width and 18-feet in depth, exclusive of appliances, shelves, etc. If these standards cannot be met, a variance is required, however the proposed project will meet these requirements.

Architecture: The proposed modifications are incorporated into the existing homes design. The new garage will follow the current side building line with a variance approval, otherwise, a "jog" in the building would occur to satisfy the 7-foot setback and the garage would not be able to accommodate two cars. The proposed pitch of the roof are consistent with the existing home and the roof and building materials will match the existing building. Staff is concerned about the narrow entry to the front door, however, there are no other feasible alternatives to avoid this situation and this will be similar to other homes in the neighborhood that have this same condition.

The following Guidelines were considered in the analysis of the project architecture.

| "Name of Guidelines" | Comments |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <u>2.2 Basic Design Principles</u> <i>Respect the scale, bulk, and character of homes in the adjacent neighborhood.</i> | The new garage will occur in the front of the existing home and respects the existing scale, bulk and character of the house. |
| <u>3.5(J) Roofs</u> <i>Use roof forms for additions that blend comfortably with the roofs of the existing home.</i> | The new rooflines over the proposed garage will match the existing structure. |
| <u>3.7(G) Materials</u> <i>Wall materials for additions should generally match those of the existing building.</i> | The new garage proposes to materials to match the existing structure |

Landscaping: Near the location where the new garage will be located are trees that are near the property line. While no trees are proposed to be removed with this application, protection measures for any nearby trees should be included as part of the project.

Parking/Circulation: The home currently does not have a garage, it was previously converted into living space. Currently, the cars are parked in the driveway that fronts what was once the garage.

The proposed modifications require that two covered parking spaces be provided. The new two car garage will satisfy this requirement. However, if the variance is not granted, the two car garage will not be possible without reducing the entryway to under four feet in width.

Compliance with Development Standards/Guidelines: The existing home is non-conforming due to the lack of a 12-foot total side yard setback, two covered spaces, and lot size under 6,000 square feet. The application will resolve the two covered space non-conformity, but will continue the side yard setback non-conformity of only 10 feet combined. The proposal will meet all other development standards, except setback and lot size.

Expected Impact on the Surroundings: The impact to the neighborhood, if the variance is granted, could be an increase in similar variance requests. This could result in more side yard variances and potentially reduce open space. However, because there are already instances where this occurs, the impact will not be as great if this was the first occurrence.

Public Contact

| Notice of Public Hearing | Staff Report | Agenda |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 14 notices mailed to property owners and residents adjacent to the project site | <ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial |

Conclusion

Applicant's Justification: The applicant has addressed the three required findings for a variance in Attachment C - Applicant's Letter of Justification. The applicant contends the following:

1. The house does not have a garage due to past remodeling before the current owner.
2. The owner proposes a garage addition similar to other neighborhood homes.
3. The proposed project will not negatively affect the surrounding neighborhood and zoning district because there are several identical or

similar additions on the same block on Susan Way and the neighborhood.

4. Granting the Variance would not grant a special privilege to the applicant, which would not also be enjoyed by the neighbors, since the owner presently does not have a garage for covered parking, since it was previously turned into a family room.

Discussion: The first variance finding in regards to exceptional and extraordinary circumstances and conditions to the location of the home on the property and the surroundings is that the home currently is legal non-conforming and does not have two covered parking spaces because of the way that the house is situated on the site. With a center entrance and limited space it is difficult to construct a two car garage that meets the 400 square foot minimum and internal dimension of 17'x18' without incurring significant modifications to the existing home. In addition, by allowing the variance, the home can continue to use the existing entrance.

The second variance finding regarding the variance not being materially detrimental to the public welfare or injurious to the property can be made because it will not have an impact on the public because the addition is mainly the garage, which will not add more cars to the neighborhood and will screen existing cars from views, improving the appearance of the site. The proposal will not be injurious to the property and neighboring properties because it will continue the existing non-conformity and will not impact the neighbors as there is already heavy vegetation between the two properties.

The third variance finding in regards to granting the variance will still serve the purpose of the ordinance and the applicant will not be granted special privileges not enjoyed by other surrounding property owners in the same zoning district can be made because there are multiple examples of this type of addition throughout the neighborhood. The applicant has provided examples of similar additions in the neighborhood (Appendix F). Thus, this variance request will not be unique to this one property.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Variance (Attachment A). In addition, staff is recommending approval of the Conditions of Approval located in Attachment B.

Conditions of Approval: Conditions of Approval are located in Attachment B.

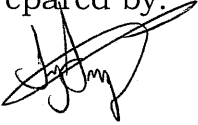
Alternatives

1. Approve the application with attached conditions.
2. Approve the application with modified conditions.
3. Deny the requested variance.

Recommendation

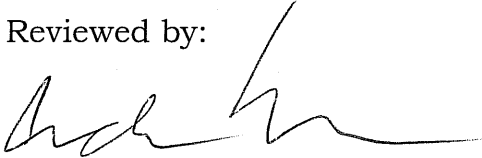
Recommend Alternative 1.

Prepared by:



Troy Fujimoto
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Applicant Letter of Justification
- D. Assessor Parcel Map
- E. Site and Architectural Plans
- F. Photos of the Neighborhood

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. (*Finding Made*) The variance is necessary to maintain required dimensions of a two car garage and because of the layout of the existing home.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (*Finding Made*) The new addition/garage will not impact any privacy for neighbors.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (*Finding Made*) There are numerous examples of this type of addition throughout the neighborhood.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall match the existing home or be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.

3. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.

- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
1. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

VARIANCE JUSTIFICATIONS

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

(E) HOUSE HAS NO GARAGE DUE TO PAST REMODELING BEFORE
PRESENT OWNER PURCHASED IT,

OWNER PROPOSES A GARAGE ADDITION SIMILAR TO OTHER
NEIGHBORING HOUSES.

RECENT CITY OF SUNNYVALE POLICY CHANGES HAVE MADE A
VARIANCE REQUIRED FOR THIS ADDITION DUE TO SIDE SETBACK.

A TWO CAR GARAGE IS REQUIRED; A VARIANCE IS REQUIRED IN ORDER
TO OBTAIN THIS.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

THERE ARE SEVERAL IDENTICAL OR SIMILAR ADDITIONS ON
THE SAME BLOCK ON SUSAN WAY; OTHERS IN THE NEIGHBORHOOD.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

OWNER PRESENTLY HAS NO GARAGE FOR COVERED PARKING;
IT WAS TURNED INTO A FAMILY ROOM BY PREVIOUS OWNERS.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.

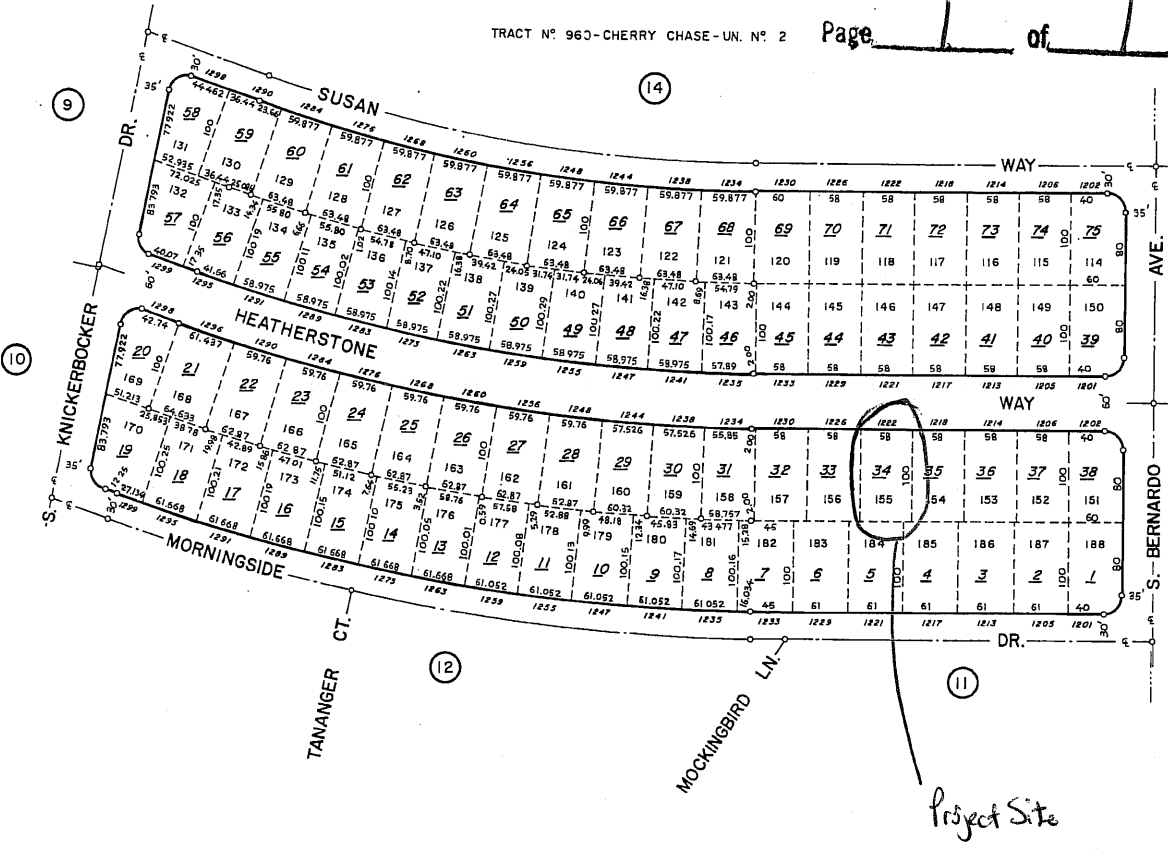
ATTACHMENT D

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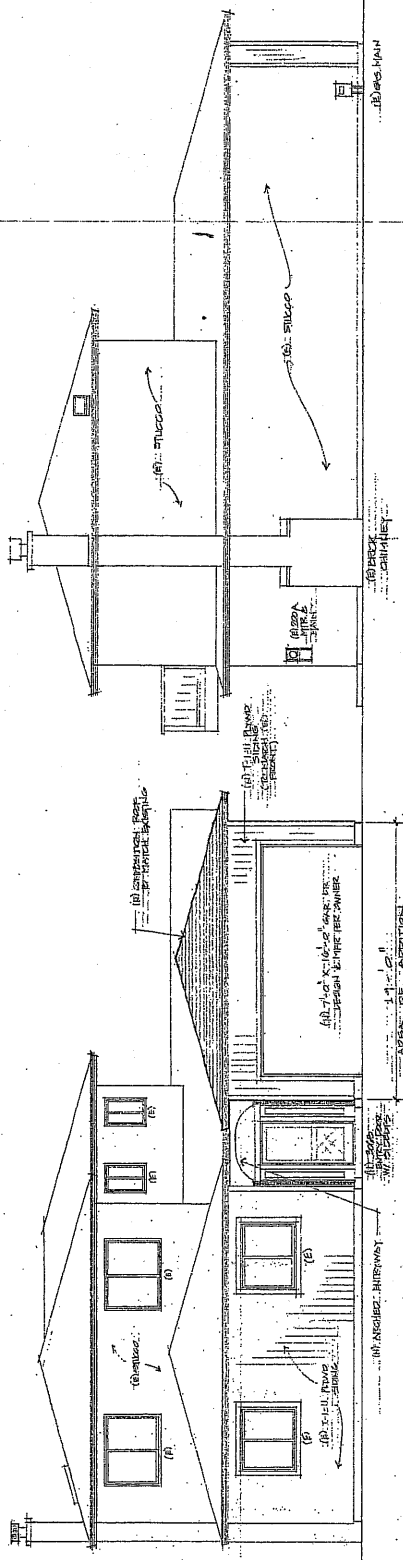
QUEENSVILLE DESIGNS
 201 DUNBAR DRIVE, SUITE 100
 NORTH HAVEN, CT 06460
 (203) 261-9947



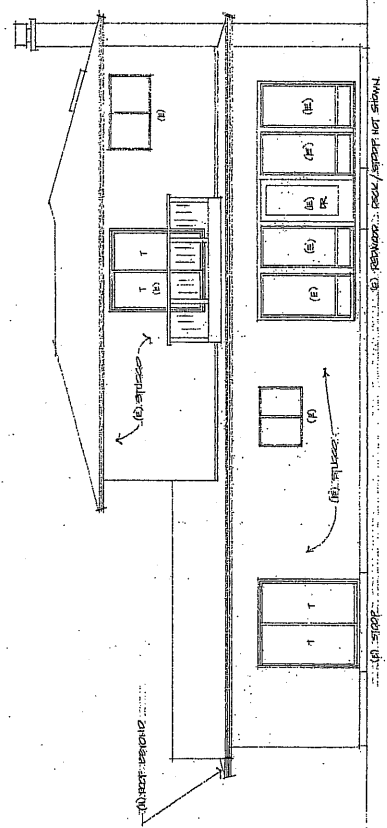
JARI & QIAN PIETILA
 1222 SUSAN WAY
 SUNNYVALE, CA 94087

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ATTACHMENT 8
 Page 1 of 8

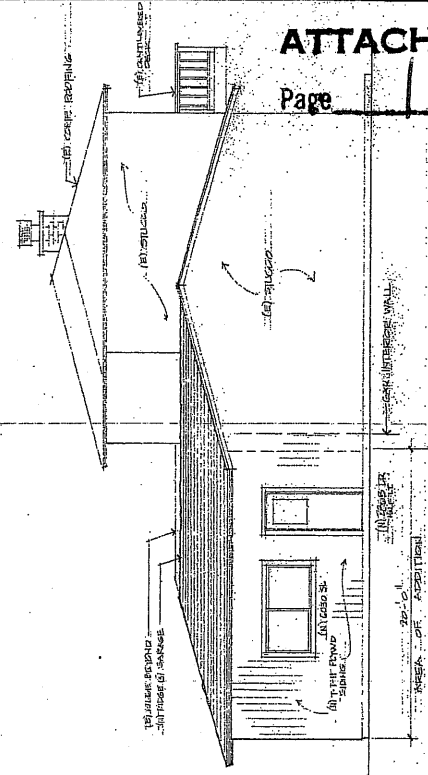


PROPOSED FRONT ELEVATION



EXISTING REAR ELEVATION

EXISTING LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION

| REV | DESCRIPTION | DATE |
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QUEENSVILLE DESIGNS
 2017 CHURCH DRIVE N.E.
 PORTLAND, OR 97208
 (503) 779-9287

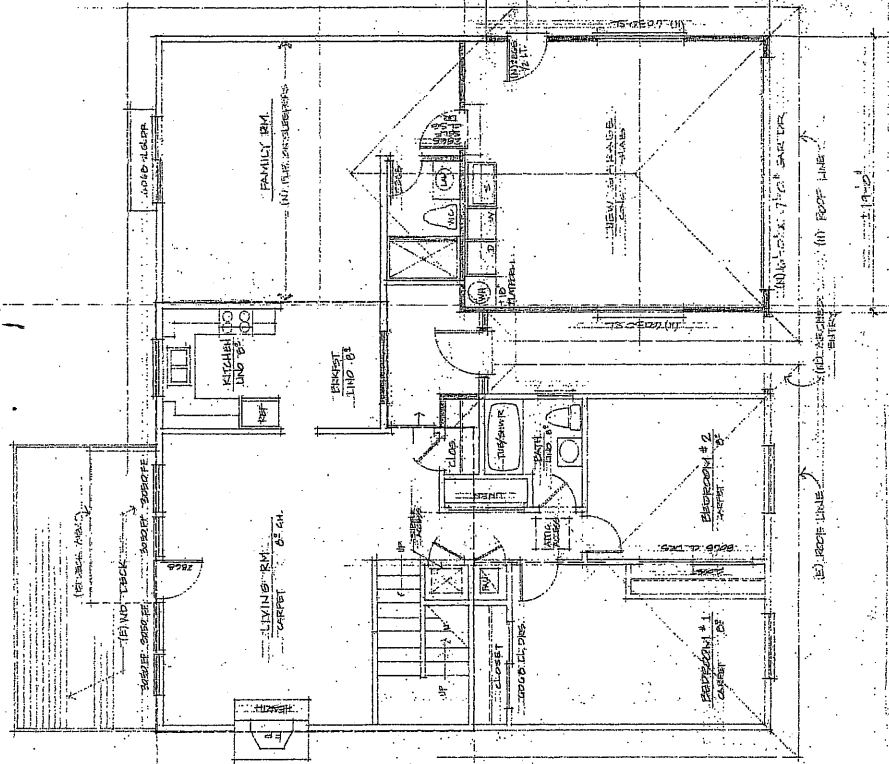


JARI & QIAN PIETILA
 1222 SUSAN WAY
 SUNNYVALE, CA 94087

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| DATE | 06/14/20 |
| PROJECT | 1222 SUSAN WAY |
| ARCHITECT | JARI & QIAN PIETILA |
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| OF | 8 |

ATTACHMENT

Page 2 of 8



PROPOSED FIRST FLOOR PLAN

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QUEENSVILLE DESIGNS
 261 Dunbar Drive North
 Campbell, CA 95008
 (408) 278-0287

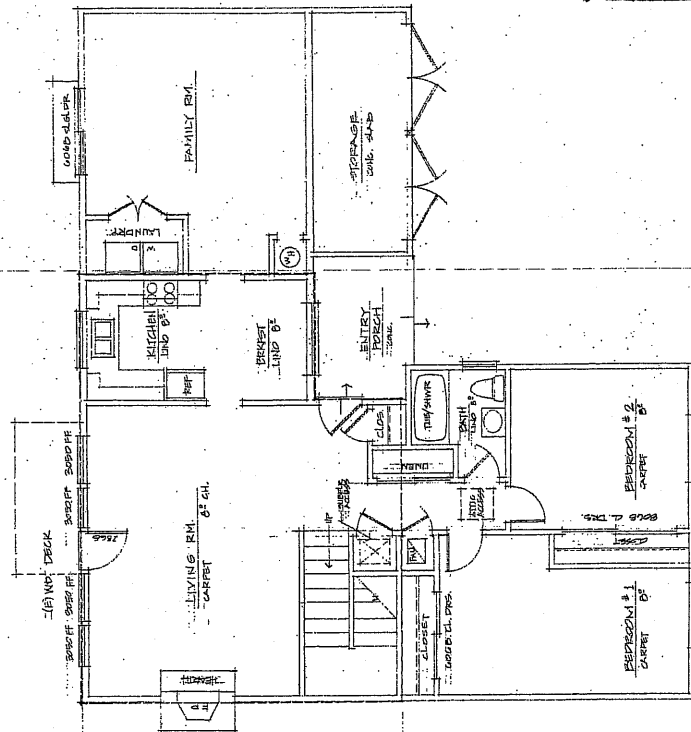


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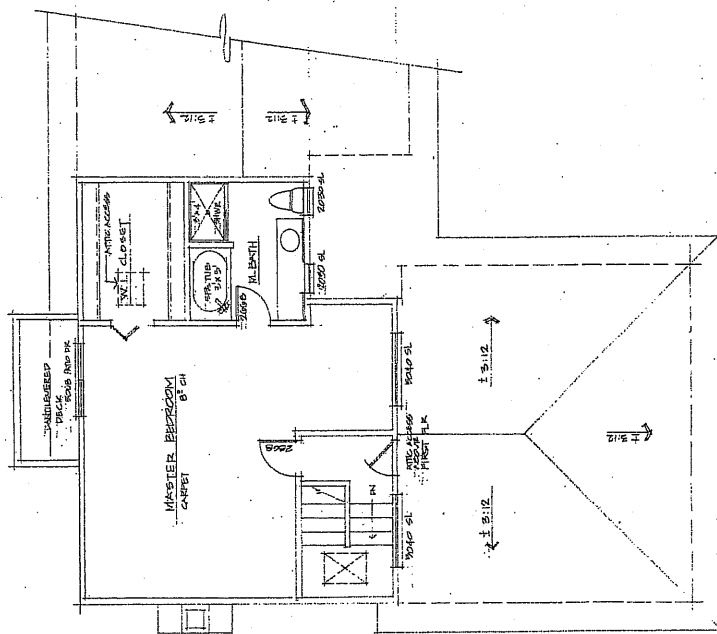
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ATTACHMENT **E**

Page **3** of **8**



EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN

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| BY | J. PIETLA |
| FOR | J. PIETLA |
| REVISIONS | |

JARI & QIAN PIETLA
 1222 SUSAN WAY
 SUNNYVALE, CA 94087
 (408) 978-9287



QUEENEVILLE DESIGNS
 CONSULTING ARCHITECTS
 261 Pioneer Drive No. 4
 Campbell, CA 95008
 (408) 378-9287

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PROJECT INFORMATION

SCOPE OF WORK:
 Add a new two-car garage, alterations to Family Room, new Entry.

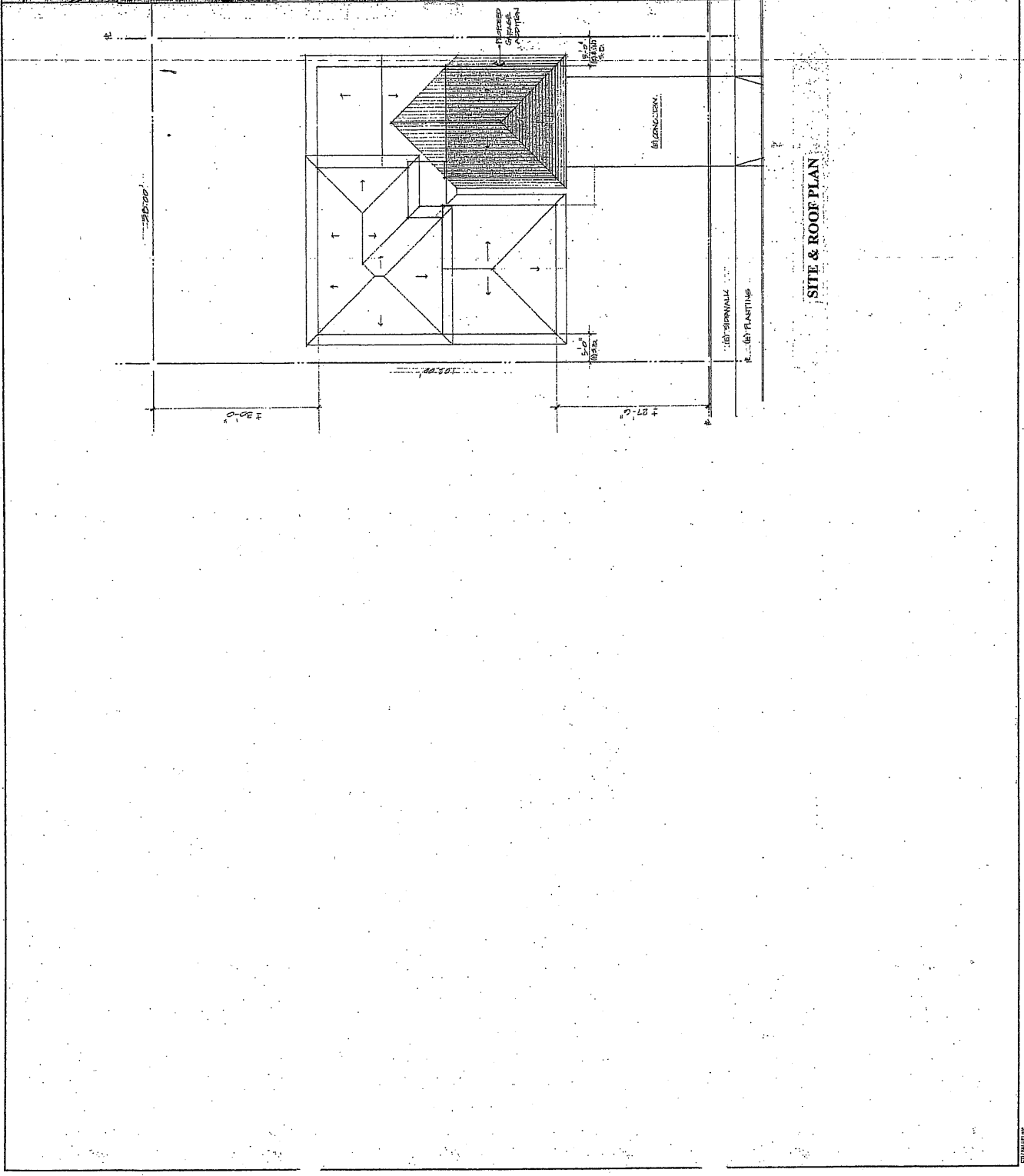
PROJECT OWNER: Jari & Qian Pietla
ADDRESS: 1222 Susan Way, Sunnyvale, CA 94087
TELEPHONE: (408) 735-3559

CONSTRUCTION DOCUMENTS BY:
 QUEENEVILLE DESIGNS
 261 Pioneer Drive No. 4
 Campbell, CA 95008

CONTACT PERSON:
 Richard Quenneville
 261 Pioneer Drive No. 4
 Campbell, CA 95008
 Cell: (408) 991-1253

APN: 081-1-1-004
ZONING: R-9
LOT SIZE: 5916 RSF

PERMITS:
 1. PERMIT TO CONSTRUCT
 2. PERMIT TO OCCUPY
 3. PERMIT TO DEMOLISH
 4. PERMIT TO GRADEN
 5. PERMIT TO PLANTING
 6. PERMIT TO SIGNAGE
 7. PERMIT TO LIGHTING
 8. PERMIT TO SOUND
 9. PERMIT TO VIBRATION
 10. PERMIT TO AIR QUALITY
 11. PERMIT TO WATER QUALITY
 12. PERMIT TO SOIL QUALITY
 13. PERMIT TO GEOTECHNICAL
 14. PERMIT TO SEISMIC
 15. PERMIT TO HISTORIC PRESERVATION
 16. PERMIT TO CULTURAL RESOURCES
 17. PERMIT TO ENVIRONMENTAL IMPACT
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SITE & ROOF PLAN

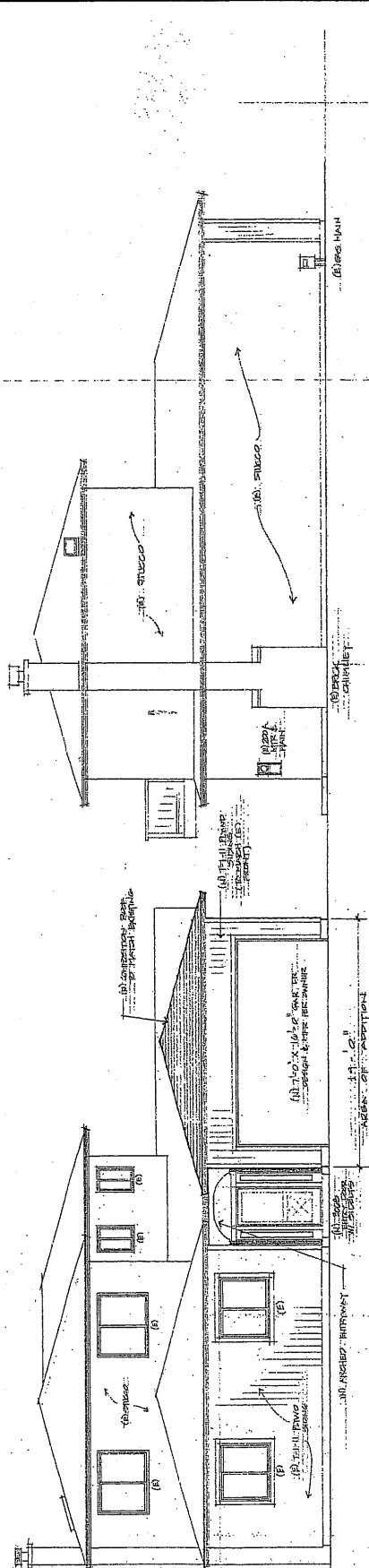
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QUEENSVILLE DESIGNS
 1222 SUSAN WAY
 STANFORD, CA 94087
 (415) 351-1234
 JARI & QIAN PIELLA

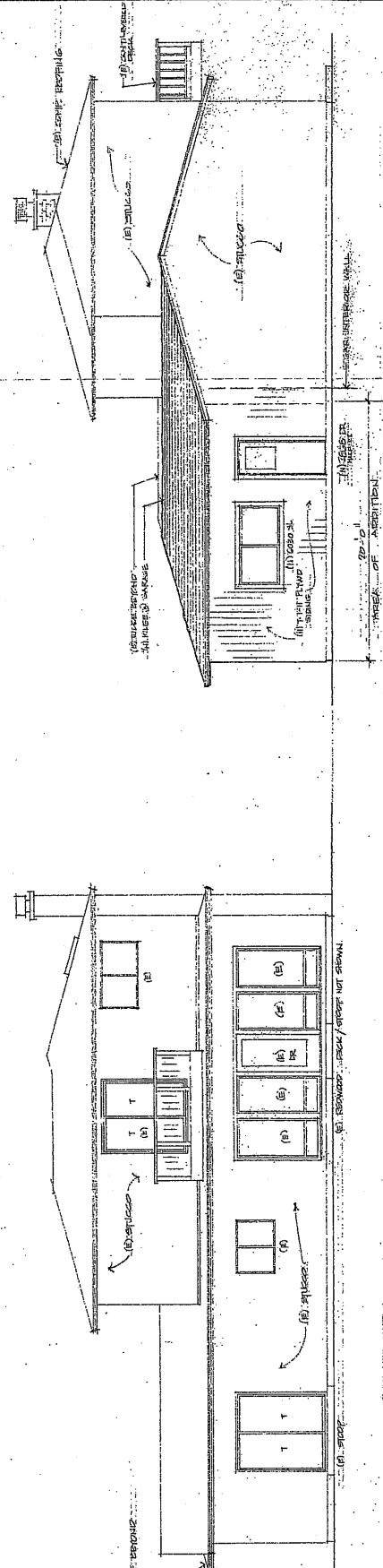


JARI & QIAN PIELLA
 1222 SUSAN WAY
 STANFORD, CA 94087
 (415) 351-1234

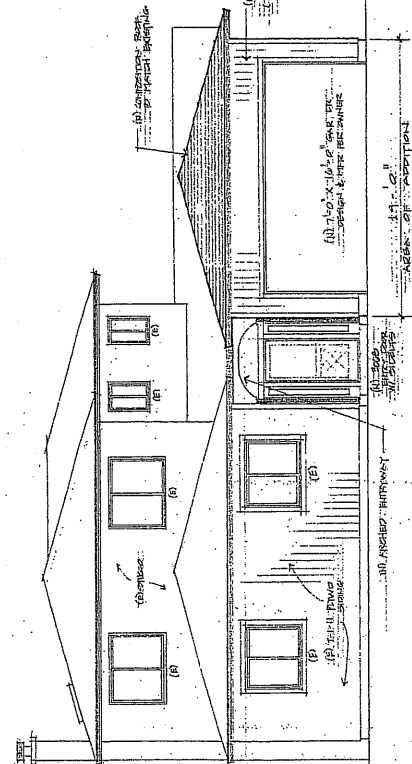
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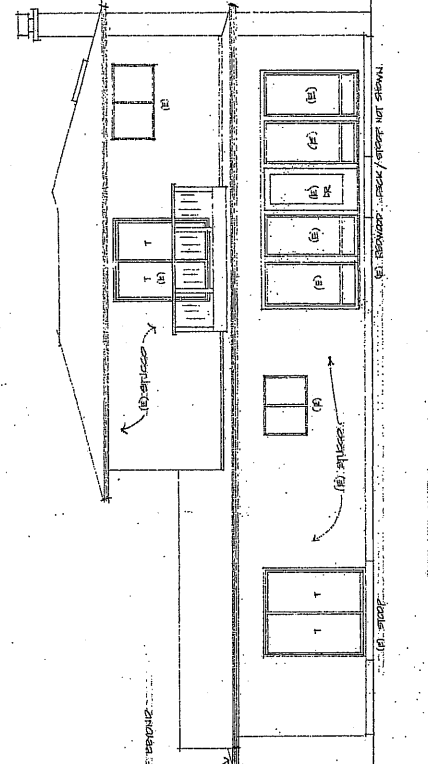
EXISTING LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION



EXISTING REAR ELEVATION



PROPOSED FRONT ELEVATION

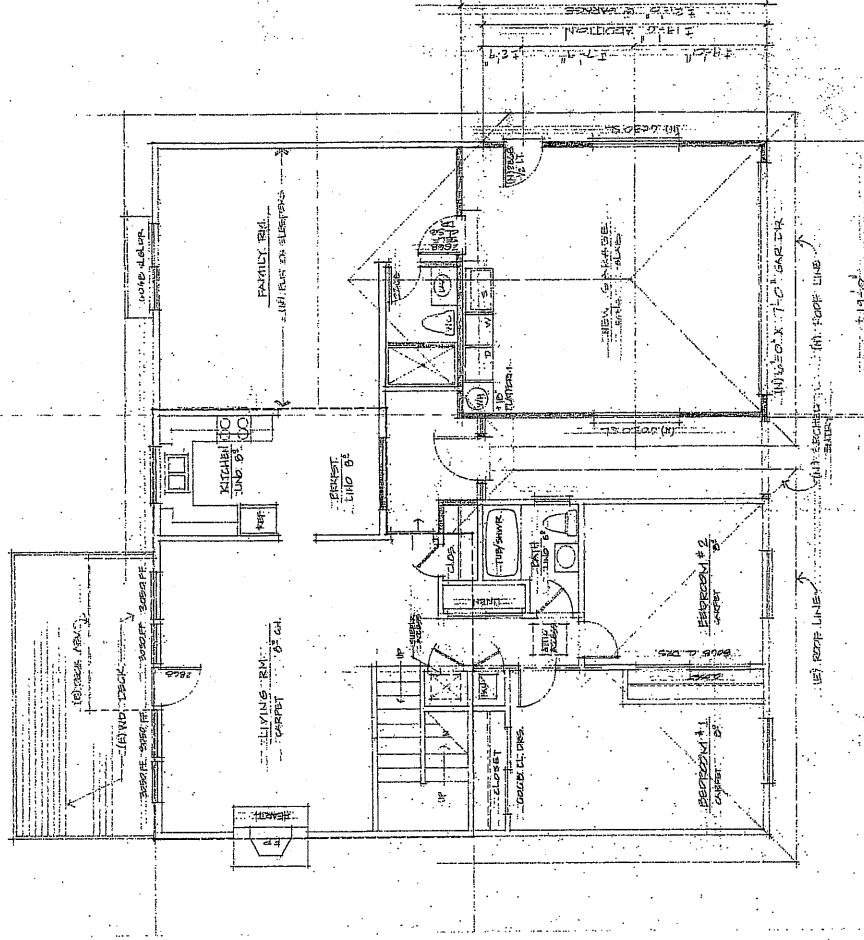
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QUENNEVILLE DESIGNS
 COMMERCIAL DESIGN SERVICES
 201 DUNSTON DRIVE, SUITE 104
 LARCHMONT, CA 93040
 (408) 778-0287



JARI & OLAN PIETILA
 1222 SUSAN WAY
 STANFORD, CA 94087
 Page **6**

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| Sheet | 3 |
| Job No. | 1222 |
| Drawn By | J.P. |
| Check By | J.P. |
| Date | 6-14-14 |



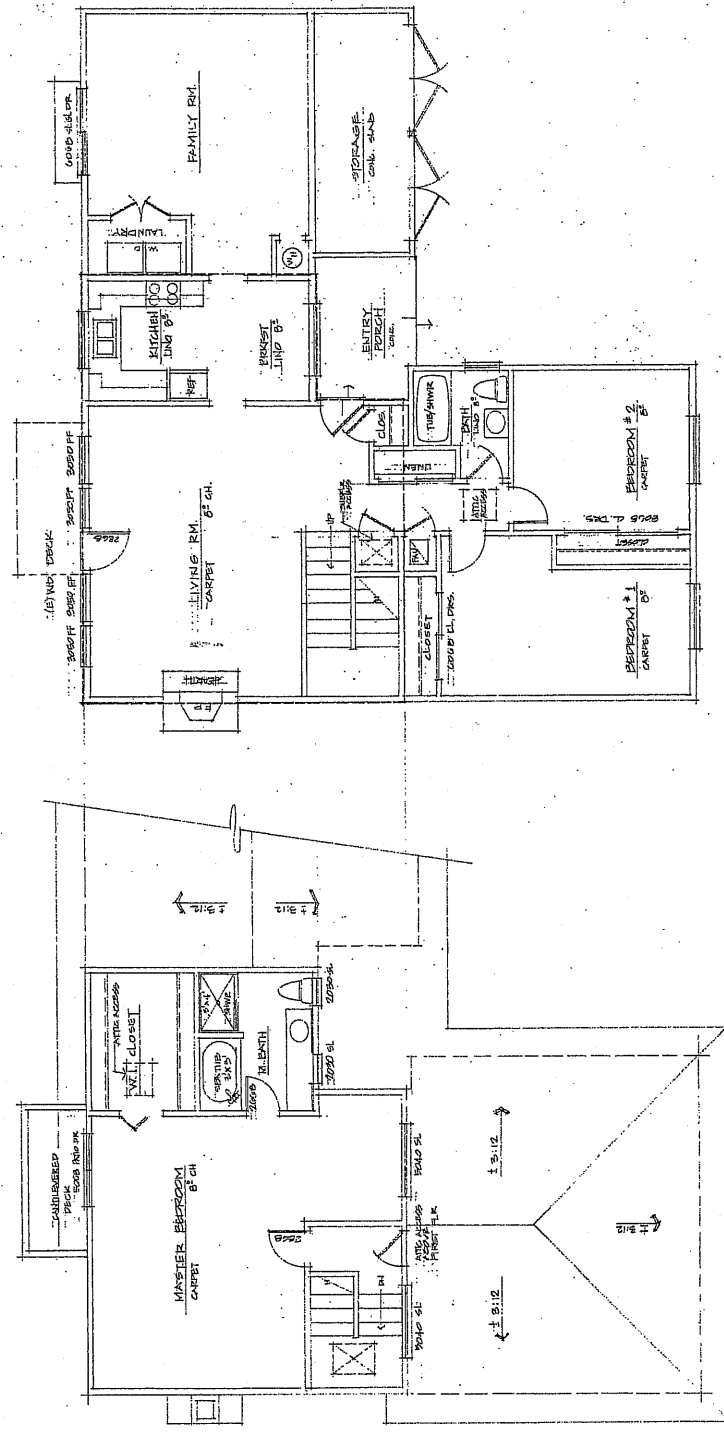
PROPOSED FIRST FLOOR PLAN

Page 7
JARI & QIAN PIETILA
 1222 SUSAN WAY
 SUENNA, ALBANY, NY 12243-1087

QUEENSVILLE DESIGNS
 COMMERCIAL DESIGN SERVICES
 261 DUNDAS STREET WEST
 TORONTO, ONTARIO M5T 1G5
 (416) 778-9277

| | |
|-------|---------|
| Sheet | 2 |
| Drawn | RE |
| Check | RE |
| Date | 6-24-05 |

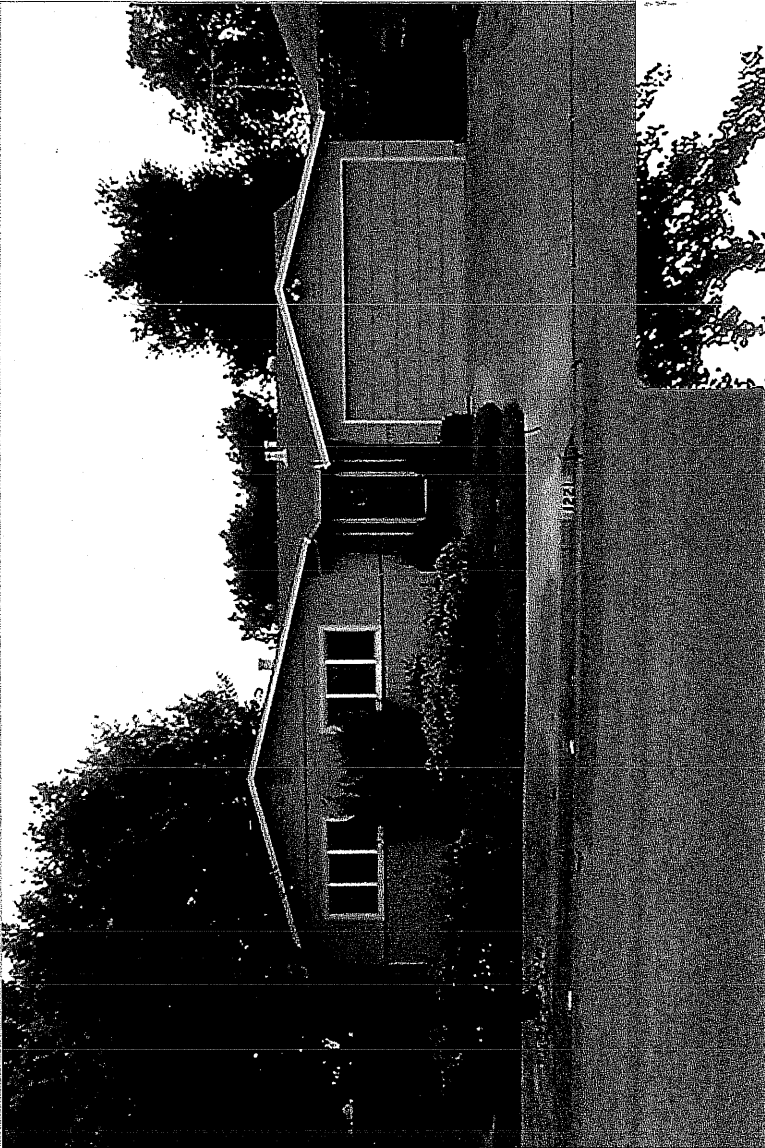
| | |
|-----------|--|
| Revisions | |
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |



EXISTING FIRST FLOOR PLAN

EXISTING SECOND FLOOR PLAN

← 1221 SUSAN WAY
(ACROSS THE STREET)

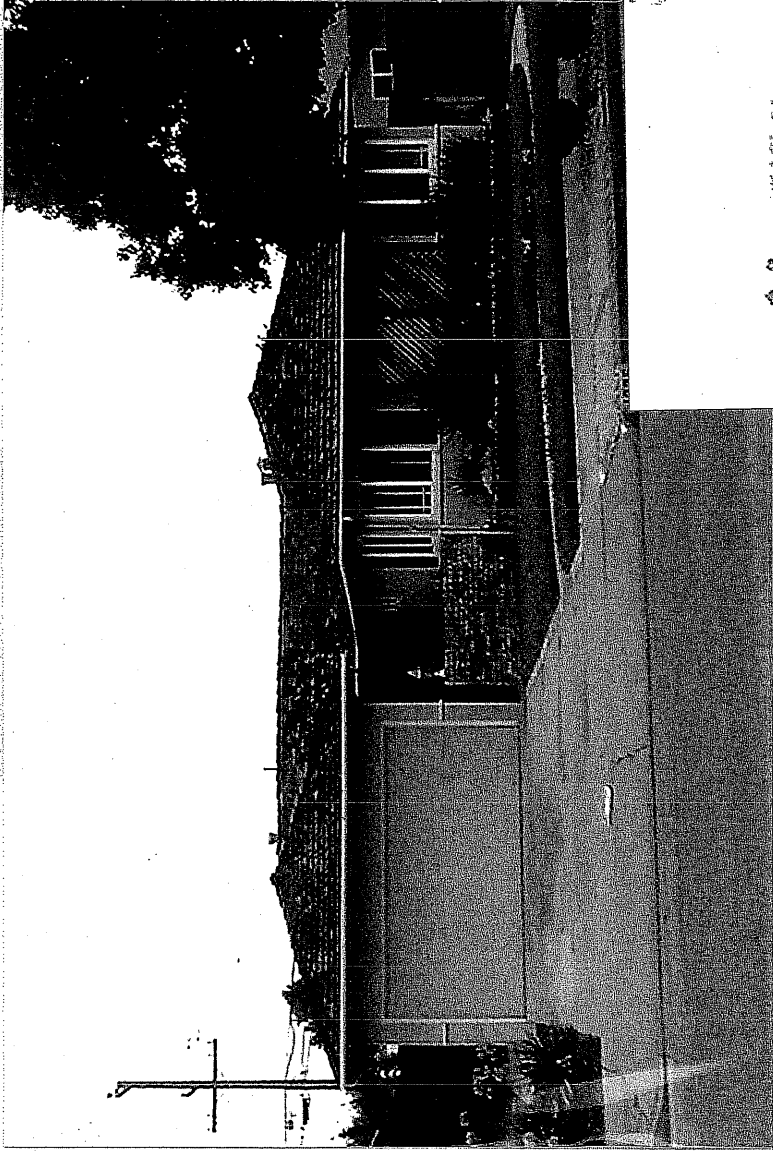


1222 SUSAN WAY
(SUBJECT PROPERTY) →

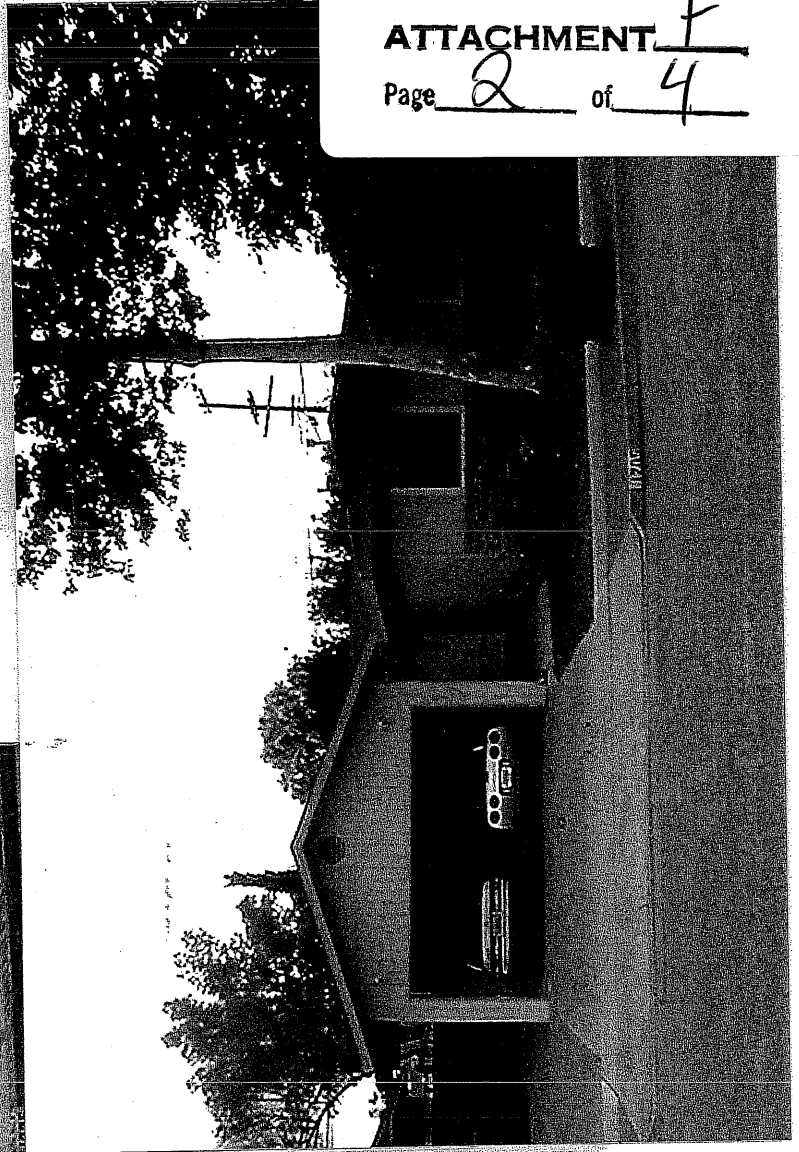


(2)

← 1235 SUSAN WAY ✓

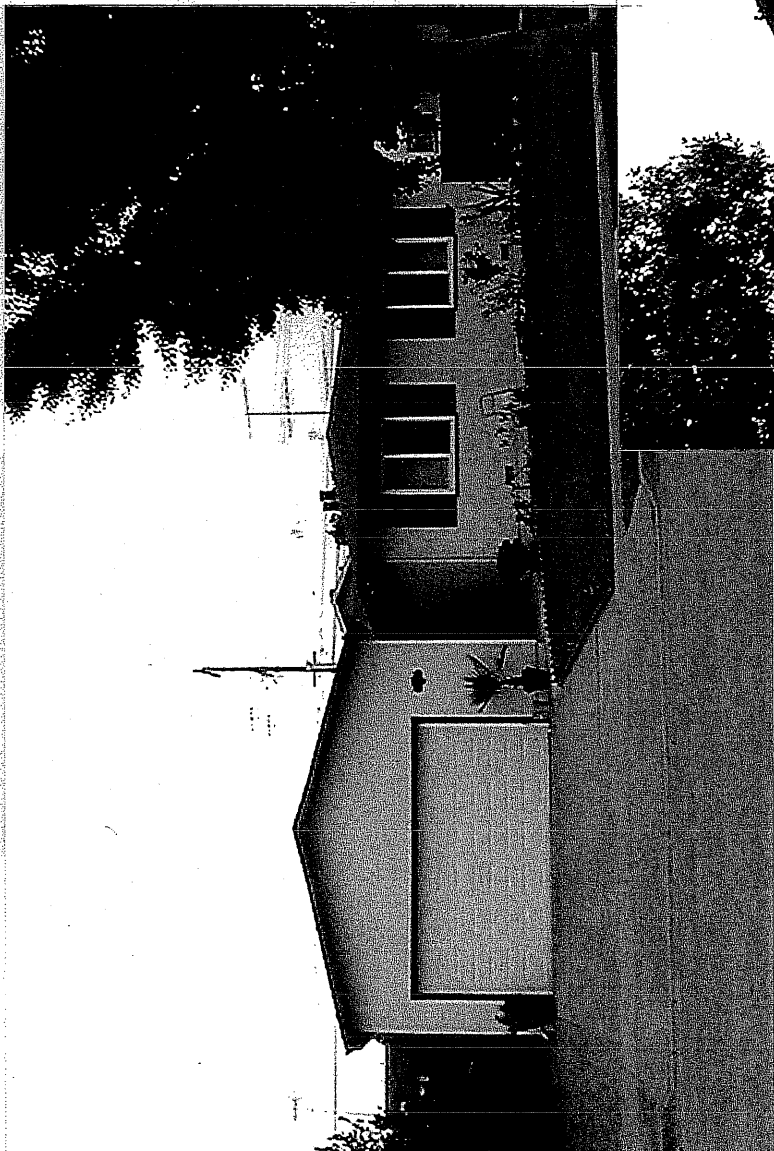


1205 SUSAN WAY →

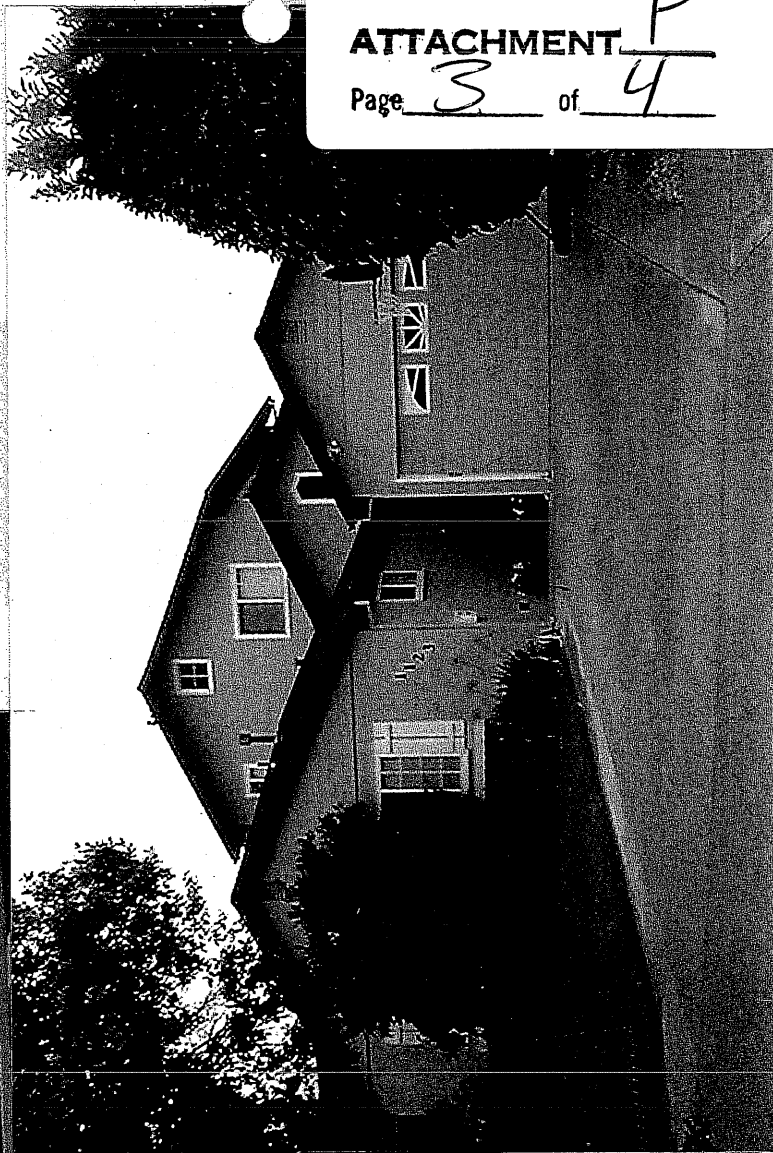


3

← 1244 SUSAN WAY

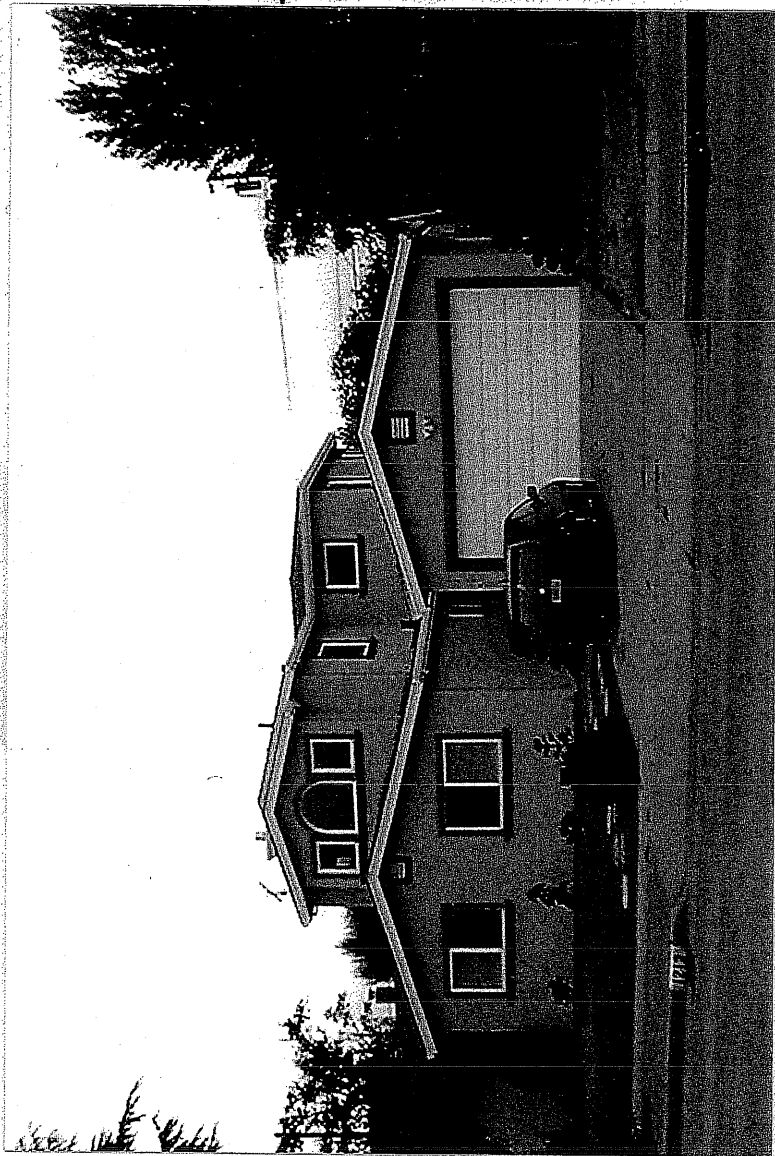


1123
↑ SUSAN WAY



④

← 1213 HEATHSTONE
(RECENT ADDITION)



THESE ARE PHOTOS OF
JUST A FEW IN THE
IMMEDIATE AREA.